

ATTACHMENT H

A vicious cycle of wasteful spending of money and lives

(Low Risk to Re-Offend = Parole Denial = State Loses Money =
Teachers Lose Jobs = Uneducated Kids Go To Prison)

	Name and #	Dump (next hearing date)	Paroling to Consecutive Sentence(s)	Cost to the State
1	Phillip Covarrubias #83979	To Expiration	Yes	\$120,000
2	John Basham #51119	5 years	No	\$100,000
3	Ron Chalmers #60629	5 years	No	\$100,000
4	Ronnie Hinshaw #47983	5 years	Yes	\$100,000
5	Lyle Urban #60410	5 years	No	\$100,000
6	Jason Wilcox #88401	To Expiration	No	\$60,000
7	Dominick Cacoperdo #19546	3 years	Yes	\$60,000
8	Alejandro Oseguera #80784	3 years	No	\$60,000
9	Mark Guth #73475	3 years	Yes	\$60,000
10	Richard Capri #64644	3 years	Yes	\$60,000
11	Robert Entrikin #90923	3 years	No	\$60,000
12	*Robert Stockmeier #32425	3 years	Yes	\$60,000
13	John Nicholas #34076	3 years	Yes	\$60,000
14	*Scott Fletcher #12686	3 years	No	\$60,000
15	Nelson Pratt #23163	3 years	No	\$60,000
16	Phillip Lyons #33833	3 years	Yes	\$60,000
17	Terrence White #78250	3 years	No	\$60,000
18	Chad Baker #1004541	3 years	Yes	\$60,000
19	Mark Bineger #49116	3 years	No	\$60,000
20	Kevin Ruffin #65723	3 years	No	\$60,000
21	Eric Root #80799	3 years	No	\$60,000
22	Eduardo Goff #79339	3 years	No	\$60,000
22	Robert Walker #22392	3 years	No	\$60,000
23	E. John Werner #49376	2 years	Yes	\$40,000
24	*Larry Young #22263	2 years	No	\$40,000
25	Allen LaBarge #78642	2 years	Yes	\$40,000
26	Usman Sadiq #76291	2 years	No	\$40,000
27	Brad Sullivan #60209	2 years	No	\$40,000
28	Jeffrey Perkins #61019	2 years	No	\$40,000
29	Rex Arthur #54758	2 years	Yes	\$40,000
30	Daniel Harris #1023125	2 years	No	\$40,000
31	Darrell Smith #92291	2 years	No	\$40,000
32	John Bush #30754	2 years	No	\$40,000
33	John Showers #46390	2 years	No	\$40,000
34	Zendell Despenza #1005968	2 years	Yes	\$40,000
35	Marcelo Guerra #86633	2 years	Yes	\$40,000
36	Robert Lawson #18786	1 year	No	\$20,000
37	Tyrone Sam #101884	1 year	No	\$20,000

*Mr. Stockmeier was denied five times even though every assessment he has been deemed 'low risk' and he is merely going to another consecutive sentence. He served nearly twice the minimum time on just his first sentence.

*Mr. Fletcher, now over 50 years old, was in prison since he was 17 yrs old. He received a pardon to run his sentences concurrently. He hadn't had a write-up in over 20 of the 33 yrs he was incarcerated.

*Mr. Young's NDOC Offender Data states he has had **25 Parole Board hearings** and he is currently paroled, yet he was denied until 12/3/10 at his last hearing. He is a decorated veteran, deemed low risk to re-offend, and **has never received a disciplinary write-up.** What is the justification for the cost to the state, and the anguish for both the inmate and the victim for 25 Parole Board Hearings over 20+ years of being in prison? If this information is inaccurate – what else is?

Cost to the state of not paroling offenders who have served their minimum sentence and have been determined by the Parole Board to be a Low Risk to re-offend for JUST THESE FEW EXAMPLES: **\$2,160,000+**

The Parole Board has worked with Dr. Austin, a consultant hired by the state, to develop a better Risk Assessment Worksheet. The purpose of this tool is to assist the Parole Board to make better decisions whether to grant or deny parole. What justification does the Parole Board have to make a decision to deny parole to an inmate who is deemed a 'Low Risk' to re-offend, when they are merely going to a consecutive sentence and **not** being released to the streets anyway?

The most common response given is 'due to the nature of the crime' (or crime severity code). Shouldn't consideration be given to the ACTUAL recidivism statistics? For example, according to Dr. Austin, murderers have less than 1% likelihood of recidivism, while I have heard that C, D, and E Felons are as high as 75% likely to re-offend.

It is our elected Judge's jobs to assign the appropriate minimum sentence for the crime. If we don't trust the elected and qualified judges to have the proper discretion when sentencing offenders, what makes the appointed and hired staff of the Parole Board qualified to over-ride a Judge's order, based on the same information?

What kind of message does this send to a criminal? Do well, you will get a low risk assessment, but you will be denied parole and get the maximum dump anyway? What incentives do they have to do well or continue rehabilitation?

The Elected Judge should sentence offenders appropriately based on the law and the nature of the crime.
The Parole Board should evaluate rehabilitation and grant/deny parole only on the risk of re-offense.

See Ronald Singler's case No. C054634 (Super. Ct. No. 64078) Filed December 10, 2008

http://www.dailycasereport.com/index.php?q=open_pdf/5207 :

"It is well established that a policy of rejecting parole solely upon the basis of the type of offense, without individualized treatment and due consideration, deprives an inmate of due process of law."
[Citation.] (Lawrence, supra, 44 Cal.4th at p. 1210.)

"In sum, the Board "may base a denial-of-parole decision upon the circumstances of the offense, or upon other immutable facts such as an inmate's criminal history, but some evidence will support such reliance only if those facts support the ultimate conclusion that an inmate continues to pose an unreasonable risk to public safety."

While we have put more than 1 in 100 of our citizens in prison, our nation's economy has crumbled to its knees. Several states, including ours, are going broke while our prisons are busting at the seams depleting funding from education and community support.

PROPOSALS

- Streamline consecutive institutional paroles. If the inmate programs positively, has a low/no risk of re-offending, and has not committed an additional crime while incarcerated, s/he should be granted an institutional parole to the next sentence after completing the minimum of the longest sentence imposed by the Judge.
- Re-evaluate the sentence structures of those who have been incarcerated over 10 years. It has been statistically proven over the past 30 years that these offenders have the lowest recidivism rates. Modify consecutive sentences to concurrent if deemed 'low risk' to re-offend due to programming and successful rehabilitation.

Closing Thought:

If you put a violent person in a violent place and s/he does NOT continue any violent behavior, does that not clearly indicate 'correction' of their original behavior?

One might say that it is **because** they are in a 'controlled environment' and if given freedom, they may return to violence. I strongly disagree. It is a well known fact that 'survival' in prison, whether it's a Correction Officer, or an Inmate, may result in a violent act. So, for one to 'survive' in prison and NOT resort to violence, should clearly show rehabilitation.

I have turned in this report numerous times in public meetings to the Advisory Committee for the Administration of Justice, the legislature, and the Board of Prison Commissioners in the hopes that someone will read and act on this common sense proposal to help the state in this financial crisis.

Teresa Werner
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1 about that?

2 GOVERNOR GIBBONS: I didn't see it in your
3 letter.

4 MR. OWENS: Well, we make efforts to
5 contact the victims in all the cases, and they either
6 respond or they don't.

7 GOVERNOR GIBBONS: Okay. Any other
8 questions from a Member of the Board at this time?

9 JUSTICE PARRAGUIRRE: I would just like a
10 little input on the point Mr. Owens made. He should
11 have been eligible at ten. Any reason that there was
12 five extra years?

13 MS. BISBEE: If I may answer that?

14 You're talking about a murder first degree,
15 and so as judges when you sentence to a 10 to life or
16 a 20 to life or a 5 to life, the Board is looking at
17 the totality of the crime also. And philosophically
18 Boards tend to be philosophically that when somebody
19 is murdered that maybe ten years isn't a long enough
20 time to do.

21 From the Board's perspective Mr. Werner was
22 the perfect candidate when he was seen this year and
23 granted, and that was at 15 years, which seems to be
24 more [appealing] to a Board Member that they have done
25 some time. You can't ever repair that somebody has



C/P/E Storm Water Construction Site Inspection Report

CPE-TECH-005

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
14		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
15		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
18		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
19		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
20		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Are discharge points and receiving waters free of any sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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1 been killed, but 15 years seems to be one of those
2 kind of averages where you can get seven people to
3 agree that maybe it's enough time.

4 JUSTICE PARRAGUIRRE: So it wasn't a matter
5 of any disciplinary or anything that he did --

6 MS. BISBEE: No, it wasn't. No, it --

7 JUSTICE PARRAGUIRRE: -- while he was
8 incarcerated?

9 MS. BISBEE: -- it was not because of
10 behavior that he was denied at the time.

11 JUSTICE PARRAGUIRRE: All right.

12 JUSTICE GIBBONS: I just had a question.
13 The law changed at one time to make the minimum
14 sentence for first degree murder from 10 to life to
15 20 to life. Do you recall when that law changed to
16 go from 10 to 20 as the minimum?

17 MS. BISBEE: That was in 1995,
18 Justice Gibbons.

19 JUSTICE GIBBONS: Okay. Now this offense
20 was in --

21 MS. BISBEE: 1994.

22 JUSTICE GIBBONS: Okay. So it predated the
23 20 years.

24 MS. BISBEE: Yes, sir.

25 JUSTICE GIBBONS: Okay. Thank you.



C/P/E Storm Water Construction Site Inspection Report

CPE-TECH-005

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
6	Is the construction exit preventing sediment from being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Are materials that are potential stormwater contaminants stored inside or under cover?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Non-Compliance

Describe any incidents of non-compliance not described above:

▲
▲
▲
▲
▲
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